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Atty. Dkt. No. 040302-0454

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Takeshi ASO et al.  
Title: FUEL CELL SYSTEM AND CONTROL METHOD  
Appl. No.: 10/520,623  
International Filing Date: 03/11/2004  
371(c) Date: 1/10/2005  
Examiner: Edu E. ENIN-OKUT  
Art Unit: 1795  
Confirmation Number: 9757

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

### **TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action after the filing of a request for continued examination under §1.114.

### **RELEVANCE OF EACH DOCUMENT**

In a counterpart Japanese application, an Office Action dated June 16, 2009, was received by Applicants. According to an English translation of the Japanese Office Action obtained by Applicants' representative, the Japanese Patent Office made certain characterizations of the references. The disclosure of these characterizations should not be construed as an admission of or agreement to the opinions expressed in the Japanese Office Action. A copy of the Japanese Office Action and English language translation are attached herewith.

Applicants wish to advise the Examiner that document JP 9-231991, cited in the Japanese Office Action, was previously submitted in an Information Disclosure Statement dated January 10, 2005 and is not provided herewith.

Unless otherwise indicated, no English translation is readily available (not considering machine-generated translations that may be freely available online, to both the Applicant and the PTO) for each of the non-English language documents. However, a commercially available English language abstract is provided herewith, where indicated on the attached Form PTO/SB/08. Inasmuch as Applicants have endeavored to provide at least one item that complies with the requirement for a "concise explanation of relevance" for each of the non-English language documents, each of these documents has been submitted in compliance with the PTO requirements and should be considered by the Examiner (37 CFR §1.97, §1.98 and MPEP §609).

Applicants respectfully request that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

Although Applicant believes that no fee is required, the Commissioner is hereby authorized to charge any additional fees which may be due to Deposit Account No. 19-0741.

Respectfully submitted,

Date July 14, 2009

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By

A handwritten signature in black ink, appearing to be 'Glenn Law', written over a horizontal line.

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